IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 51310-M of 2005
DATE OF DECISION : 07.09.2006

Pargat Singh

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

Crl. Misc. No. 56332-M of 2005
DATE OF DECISION : 07.09.2006

Gurdial Singh

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Swaran Sandhir, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

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This order shall dispose of Crl. Misc. No. 51310-M of 2005, filed by Pargat Singh and Crl. Misc. No. 56332-M of 2005, filed by Gurdial Singh, for the grant of anticipatory bail as they were apprehending arrest in a non-bailable offence in case FIR No. 27 dated 21.5.2003 registered at Police Station Vigilance Bureau, Ludhiana, under Sections 420/409/406/ 467/468/471/165/120-B IPC and 13 (1) (c) and 13 (1) (2) of the Prevention of Corruption Act, 1988.

2. I have heard counsel for the parties and gone through the contents of the FIR.

3. In the aforesaid FIR, it has been alleged that Gurnam Singh, Sarpanch, village Manewal, District Ludhiana, Davinder Singh, Secretary of the said Panchayat, Baljit Singh, Block Development Officer, Bhajan Singh

DDPO along with Amandeep Singh, Pargat Singh, Madan Singh, Gurdial Singh contractors, in connivance with each other, have caused loss of Rs. 3 crores to the Government, by leasing out the Shamlat land of Gram Panchayat for agriculture purpose and thereafter illegally allowing the lifting of the sand.

4. The anticipatory bail application of other accused in the aforesaid FIR, except the petitioners, was dismissed by this Court. Their bail application has been dismissed even by the Supreme Court. It has not been disputed before me that bail application of Amandeep Singh, who is also one of the contractors to whom the land was allegedly leased out for agricultural purpose and who had extracted the sand from the said land has been dismissed upto the Supreme Court. The case of Pargat Singh is similar to that of Amandeep Singh. He is also alleged to have taken the land of Gram Panchayat for agriculture purpose, but extracted sand from it and thereby caused loss of lacs of rupees to the State.

5. Keeping in view the aforesaid facts, I do not find any ground to confirm the interim order dated 4.10.2005, passed by this Court, and to grant anticipatory bail to petitioner Pargat Singh. Crl. Misc. No. 51310-M of 2005, filed by him, is therefore, dismissed.

6. Regarding petitioner Gurdial Singh, counsel for the petitioner submits that his case is on different footings. While referring to document Annexure P-2, which is a registered lease deed and Patta of Gram Panchayat, counsel for the petitioner contends that as far as petitioner Gurdial Singh is concerned, he had taken two acres of land in a public auction for lifting the sand. Annexure P-2 indicates that auction of two acres of land was held for lifting the sand. Counsel for the petitioner submits that case of Gurdial Singh is entirely different from the case of Amandeep Singh and Pargat Singh, as they had taken the land for agriculture purpose. Counsel for the respondent-State could not controvert the document Annexure P-2. Counsel for the petitioner further submits that in terms of the orders dated 7.10.2005 and 10.11.2005, petitioner Gurdial Singh has joined the investigation. This fact has not been disputed by the State Counsel.

7. Keeping in view the aforesaid facts, without expressing any opinion on the merits of the case, the interim bail, granted to petitioner

Gurdial Singh vide order dated 7.10.2005, is made absolute subject to the same terms and conditions.

8. This bail order shall remain in operation till the investigation culminates into filing of challan under section 173 Cr.P.C. except for material change in the circumstances. Thereafter the petitioner shall be entitled to the grant of regular bail by the trial court and the same shall further continue till conclusion of the trial on the conditions to be imposed by the court of competent jurisdiction.

9. Crl. Misc. No. 56332-M of 2005 is accordingly allowed.

September 07, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**